

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2751 – SB 2607

April 10, 2012

SUMMARY OF AMENDMENT (016421): Deletes all language after the enacting clause. Requires an enhanced sentence of an additional 30 days for a person convicted of driving under the influence (DUI) while accompanied by a child under eighteen years of age. Requires an enhanced fine of \$1,000 in addition to any other fine imposed for a violation of DUI.

CORRECTED FISCAL IMPACT OF ORIGINAL BILL:

Increase Local Expenditures – Exceeds \$1,300*

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase Local Revenue – \$12,000

Increase Local Expenditures – Exceeds \$1,300*

Assumptions applied to amendment:

- Current law requires a 30-day minimum sentence for DUI when a minor is present in the vehicle.
- A 48-hour minimum sentence is required for first time DUI offenders.
- Under this bill as amended, offenders would be required to serve both the 30-day minimum and the 48-hour minimum consecutively to each other.
- Approximately 15 offenders annually will be required to serve at least an additional 48 hours of incarceration in local jails.
- According to the Department of Correction, the average county reimbursement for housing state felons for FY11-12 is \$44.83. Estimate assumes the statewide county cost for county jails is \$44.83 per offender per day. The total additional operating cost to local government for 15 offenders serving an additional 2 day sentence is \$1,344.90 (\$44.83 x 15 offenders x 2 days).
- Due to this being the minimum required incarceration for such offenses, the recurring increase in local expenditures will exceed \$1,344.90.
- An additional \$1,000 mandatory fine for offenders. An 80 percent collection rate for increased fine revenue.

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- A recurring increase in local revenue of \$12,000 (\$1,000 fine increase x 15 offenders x 80% collection rate).

*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" and last name "Geise" clearly distinguishable.

Lucian D. Geise, Executive Director

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